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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant: Steven T. Kirsch

Serial No.: 08/927,022

Filed: September 10, 1997

For:  DOCUMENT RETRIEVAL SYSTEM WITH ACCESS CONTROL

PATENT APPLICATION

Group Art Unit: 2171

Examiner: C. Rones

## Applicant's - Appellant's
## Reply Brief
## 37 CFR § 1.193(b)

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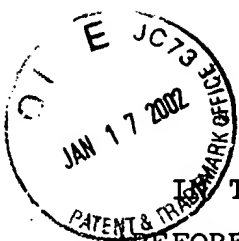| | |
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| Applicant: Steven T. Kirsch | PATENT APPLICATION |
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## Reply Brief

### I.  Introduction

The Examiner's Answer to Applicant's Brief regarding the above-referenced patent application is dated August 27, 2001. Pursuant to 37 C.F.R. §1.193 (b)(1), Applicant is filing this Reply Brief within 2 months from the mailing date of the Examiner's Answer.  This brief is necessary because of a dispute between Applicant and the Examiner regarding the contents and scope of the principal reference, U.S. Patent No. 5,835,712 to DuFresne, as applied to Applicant's claims.

### II.  Arguments

#### A.  Claim 1

The Examiner's Answer states that Applicant argues that DuFresne does not disclose use of a search engine as recited in Applicant's claim 1.  The Answer goes on to state that, "examiner maintains that DuFresne discloses a search engine wherein scripts

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and forms are used to retrieve data from a database; See 8:19-37; 9:35-47; 13:50-67." Examiner's Answer, at 3.

Applicant respectfully submits that DuFresne does not disclose the use of a search engine as recited in Applicant's claim 1. Applicant's claim 1 recites, "a search engine having access to all documents on the web servers…." In contrast, as stated by the Examiner, DuFresne discloses scripts and forms that are used to retrieve data from a database, not a search engine having access to all documents on the web servers as recited in Applicant's claim. Retrievable data from a database is significantly different from accessible documents on web servers. DuFresne is concerned with retrieving specific content/data from a database for a web page having a known URL, not with searching web servers to identify locations where documents relevant to the search, if any, may be.

Next, the Examiner maintains that DuFresne discloses screening search results. Specifically, the Examiner's Answer states, "DuFresne discloses screening the search results wherein the user is restricted from retrieving records that the user has restricted access and that the forms and templates additional screen search results…." Examiner's Answer, at pages 3-4.

Applicant respectfully submits that in the present invention web servers screen results to determine documents for which a user performing a search has access. Specifically, claim 1 recites, "web servers screening the search results with the access control list to determine the documents for which a user performing a search has access."

In contrast, in DuFresne access to a specific record from a database can be access controlled, but not access to entire documents on web servers, as in the present invention. Additionally, claim 1 recites that web servers screen the search

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results.  In DuFresne only records in a database are access controlled and web servers do not appear to screen the data record results.

In the Examiner's Answer it is stated that:

[The] examiner maintains that DuFresne discloses a plurality of results are produced by DuFresne….  DuFresne can also produce a web page that contains data from several results and creates a URL to display those results.  While DuFresne can also return one result….." Examiner's Answer, at 4.

Again, Applicant respectfully submits that the results that are screened in the present invention pertain to documents on the web servers, not data records from a database to be inserted within a template.

Additionally, Applicant respectfully submits that Haverstock fails to supplement the missing teachings.

Therefore Applicant respectfully requests the withdrawal of the rejection to claim 1.

B.  <u>Claim 2</u>

The Examiner maintains that DuFresne discloses returning several documents based on a user's access level and cites to three passages (4:40-65; 8:19-37; 9:25-47; 11:15-20) in support of this.  Applicant respectfully submits that these passages indicate DuFresne was concerned with user access to records within a database, not document titles compatible with the authorized access of the user, as recited in claim 2. Specifically, claim 2 recites, "means for forwarding to the user only those document titles compatible with the authorized access of the user, wherein document titles that are not compatible with

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the authorized access of the user are not forwarded to the user…." As stated in Applicant's Brief, at page 13, if the user is authorized to have access to multiple document titles then multiple document titles are forwarded to the user. In contrast in DuFresne, a single request corresponds only to a single web page not one or more document titles. Multiple data records are present in DuFresne, however these are not document titles obtained by a search engine having access to all documents on the web servers.

Additionally, the Examiner maintains in response to Applicant's statement that DuFresne does not disclose preventing the user from discovering the existence of document titles through the use of a search engine that "DuFresne discloses such wherein a CGI script can execute a program performing a search rather than a document but would not send the document if the user did not have access; See 8:1-44." Examiner's Answer, at 5.

Applicant respectfully submits that the section cited by the Examiner (Col. 8, lines 1-44 of DuFresne) provides in pertinent part that "[a] CGI script is executed when a user activates an HTTP URL that is directed to a file containing a CGI program or script rather than an HTML document." DuFresne, Col. 8, lines 1-3. "When the user selects the link the CGI program 187 is executed to prepare an HTML document on the fly, and sends that document to Client 181, which displays the document as it would any other HTML documents." DuFresne, Col. 8, lines 14-18. "[T]he data is handed off to a CGI program 195 which prepares an HTML document and sends it to the client 190 for display." DuFresne, Col. 8, lines 35-37.

Applicant respectfully submits that DuFresne fails to teach or suggest "thereby preventing the user from discovering the existence of said document titles through the use of the

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search engine…" as recited in Applicant's claim 2. When a CGI script is used, the user still receives a document pertaining to the URL request. Additionally, as stated in Applicant's Appeal Brief at page 13, in DuFresne, the user is already aware of the existence of the document, as the user has activated a URL. Therefore, DuFresne fails to teach or suggest Applicant's claim 2 including the element of preventing the user from discovering the existence of document titles through the use of a search engine the Examiner.

Additionally, Haverstock et al. fail to supplement the missing teachings.

Therefore, Applicant respectfully requests the withdrawal of the rejection to claim 2.

## C. Claim 4

In response to Applicant's arguments within the Applicant's Brief the Examiner maintains that DuFresne discloses that a query is executed. Specifically, the Examiner states, "a form and scripts can be used to provide relevant documents as disclosed previously above." Examiner's Answer, at 6.

Applicant respectfully submits that DuFresne fails to teach or suggest the element including executing a query on a query server. DuFresne discloses scripts and forms that are used to retrieve data from a database to prepare a single document, not for "executing a query on a query server having access to a document index of documents available for searching on document servers provided in the web site…." Retrievable data from a database is significantly different from accessible index for documents on document servers. DuFresne is concerned with

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retrieving specific content for a web page not with identifying locations where relevant documents, if any, may be.

Furthermore, the access control mechanism of the present invention includes yielding a list of all relevant documents and then reviewing the documents to determine if each URL is compatible with the access level of the person executing the query. Specifically, claim 4 recites the query is executed "by a person having a unique identification code without regard to access control limitations, yielding a list of all relevant documents, each document having a unique URL...." A list of all relevant documents is not yielded in DuFresne. In DuFresne when access control occurs it is with regard to data records as a document search does not occur and even with regard to the data records a list of all data records are not retrieved. In response to Applicant's arguments within the Applicant's Brief the Examiner maintains that DuFresne discloses reviewing all URLs and states "that DuFresne discloses such as stated previously above." The Examiner states previously above, that forms and templates screen the search results. However, Applicant respectfully submits in DuFresne access to a record within a database is controlled, not access to document URLs as is the case with the present invention.

Applicant respectfully submits that the Examiner incorrectly states that "[a]ppellant argues that neither DuFresne nor Haverstock discloses an access control list is contained in each document." Examiner's Answer, at 6. With regard to the present invention Applicant states at Applicant's Brief, at page 16, lines 4-5, "an access control list is not contained in each document as in the prior art." In fact, Applicant's claim recites that "an access control list is associated with each

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<u>document server</u>...," not contained in each document as with the prior art.

The Examiner maintains that DuFresne discloses delivering only those URLs that are compatible with the access level of the person and withholding the URLs that are not compatible. The Answer states DuFresne discloses this as previously stated above in the Examiner's Answer.

The Examiner previously stated that DuFresne does disclose returning several documents based on a user's access level and cites to three passages (4:40-65; 8:19-37; 9:25-47; 11:15-20) in support of this. Applicant respectfully submits that these passages indicate DuFresne was concerned with user access to records within a database, not "delivering only those URLs that are compatible with the access level of the person" as recited in claim 4. Also in DuFresne, a single URL request is entered or activated and corresponds only to a single web page, not one or more document URLs as in the present invention. In the present invention URLs that are not compatible are withheld, thereby preventing the person from discovering the URLs that are not compatible with the access level of the person.

The Examiner maintains that DuFresne discloses preventing a user from discovering URLs that are not compatible with the access level of the person such as described previously in response to claim 2. The Examiner previously stated in response to claim 2 that "wherein a CGI script can execute a program performing a search rather than a document, but would not send the document if the user did not have access; See 8:1-44." Examiner's Answer, at 5.

As stated above, with regard to claim 2, where the CGI scripts are executed a document is still sent to the client. Additionally, the user is already aware of the existence of the

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document as he has the URL for the document. In contrast Applicant's claimed invention delivers only URLs that are compatible with the access level of the person. As the user is looking to identify where relevant documents, if any, may be located, the actual location of the documents is an unknown to the user. Therefore, if no URLs are forwarded the user will assume there are no locations with relevant documents. In DuFresne, the user already knows of the existence of the URL therefore, cannot be prevented from discovering it.

Additionally, Haverstock et al. fail to supplement the missing teachings.

Therefore, Applicant respectfully submits that the rejection to claim 4 should be withdrawn.


D.   Claim 7


The Examiner states the following in response to Applicant's statement in Applicant's Brief that DuFresne does not disclose storing the access control level separately from the documents:


> [The] appellant previously argued that DuFresne does not store the access control level with the document (See Brief, page 16, lines 1-14). Therefore, appellant has made examiner's case. The examiner maintains that the combination of DuFresne and Haverstock discloses storing the access control level with the document. Examiner's Response, page 7.

Applicant respectfully submits that Applicant did not previously argue that DuFresne does not store the access control level with the document. Specifically, Applicant wrote with regard to the present invention, "[a]n access control list is not

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contained in each document as in the prior art." Applicant's
Appeal Brief, page 16, lines 4-5.

The Examiner provides that Haverstock et al. discloses
that access control lists are stored with the document. This is
clearly different from Applicant's claim 7. Claim 7 recites,
"storing the access control list separately from the documents."
Therefore, Applicant respectfully submits that DuFresne fails to
teach or suggest elements within claim 7 and that Haverstock et
al. fail to supplement the missing teachings.


E.   Claim 8


The Examiner states that Applicant's argument is that
"DuFresne does not disclose a hierarch or URLs, which is not what
is claimed." Examiner's Answer, at page 8.

Applicant respectfully submits that access control in
the present invention is implemented with "partial URLs
indicating the hierarchy of documents to which a person with a
unique identification code has access" as recited in claim 8. As
stated in Applicant's Brief, "DuFresne does not teach or suggest
using the hierarchy of URLs in conjunction with access control
and user identification." Applicant's Appeal Brief, page 18.

The Examiner states that, "Haverstock discloses such
wherein each field can within a document…restrict or grant access
to a user based on that user's access level…." Applicant
respectfully submits that this teaching fails to supplement the
missing teaching of DuFresne.

## F. Claims 11-12

The Examiner maintains that single or multiple access control lists can be used in DuFresne. Specifically, with regard to Haverstock et al. the Examiner states, "that a document 'may contain be required to have a certain priority level' also that a document 'may contain certain fields that are access controlled and provides an example of where only one field is access controlled (I.E. the buyer's field')...."

Applicant respectfully submits that DuFresne and Haverstock et al. fail to disclose that "a single access control list is provided for all document servers" as recited in claim 11, or that "an access control list is provided for each document server" as recited in claim 12.

In DuFresne and Haverstock et al., a user's access is controlled on a field by field basis within a template or document. An access control list is not provided for each document server as stated in Applicant's claimed invention, but it is found with each document.

Therefore, Applicant respectfully submits that the rejection to claims 11-12 should be withdrawn.

## G. Claim 13

The Examiner maintains that DuFresne discloses executing a query on a server having access to a document index of available documents for searching. The Examiner states that "DuFresne discloses such wherein scripts, buttons, and CGI execute a query having access to a document index for searching wherein a database is inherently deemed to be indexed; See 4:51-67; 8:20-56."

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Applicant respectfully submits that DuFresne fails to teach or suggest "executing a query on a query server having access to a document index of documents available for searching on the document servers...." DuFresne is concerned with providing content for a document template, where the user knows of the existence of the document. Specifically the user activates a known URL and does not query a server for relevant URLs. In contrast Applicant's claimed invention is concerned with the user executing a query on a query server in an attempt to discover document URLs pertinent to the query, if any. The query server has access to a document index of documents available for searching on the document servers then determines the location of documents pertaining to that query. However, only those documents whose URL is compatible with the access level of the person are produced and non-compatible URLs are withheld.

The Examiner maintains that DuFresne discloses multiple documents being returned as previously described above. Applicant respectfully submits that the Examiner previously described in the Examiner's Answer that, "DuFresne discloses a plurality of results are produced by DuFresne.... DuFresne can also produce a web page that contains data from several results and creates a URL to display those results. While DuFresne can also return one result." Examiner's Answer, at 4.

Again, Applicant respectfully submits that the results in the present invention are in the form of documents with unique URLs that were previously unknown to the person. The results are not data records from a database as in DuFresne that are used to create a single document. As recited in Applicant's claim 13, "producing only those documents whose URL is compatible with the access level of the identification code of the person, wherein each non-compatible URL is withheld."

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## H. Claims 15 and 16

In response to the Applicant's argument provided in the Appeal Brief, the Examiner maintains that DuFresne discloses use of URLs in conjunction with an access control list.

Applicant respectfully submits claim 15 recites, "each access control list lists URLs for each user identification number with a hierarchical indication of documents for which access is permitted or denied." DuFresne does not teach or suggest using the hierarchy of URLs in conjunction with access control and user identification.

Additionally, Haverstock et al. fail to supplement the missing teachings. Therefore, Applicant respectfully requests withdrawal of the rejection to claim 15. As claim 16 depends from claim 15, Applicant respectfully requests the withdrawal of the rejection to this claim for at least the same reasons as claim 15.

## III. Conclusion

For all of the foregoing reasons and those set forth in Applicant's Appeal Brief herein, Applicant submits that the Examiner's rejections should be reversed as the claims of the above-identified application are patentable.

Respectfully submitted,

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